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D. REMARKS

Specification

Applicants have amended the specification above to include the application serial numbers of the related cross-references.

35 USC § 102(b)

Claims 1-3, 12-14, 23-25 stand rejected under 35 U.S.C. §102(b) as being anticipated by Walker (US Patent Number 6,178,240). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed Cir. 1987). Furthermore the reference must be an enabling disclosure of each and every element as set forth in the claim. *In re Hoecksma*, 158 USPQ 596, 600 (CCPA 1968); *In re LeGrive*, 133 USPQ 365, 372 (CCPA 1962). Because the Examiner does not show that Walker teaches each an every element of the claims 1-3, 12-14, 23-25 or enables each and every element of these claims, these claims are not anticipated, the rejection should be withdrawn, and the claims should be allowed.

Claim 1

Responsive to the Examiner's rejection of claims 1 and 3, Applicants amend these claims. Amended method claim 1, which corresponds with amended system and program claims 14 and 25 currently reads:

1.   (Currently Amended) A method for promoting voice browsing, comprising:

selecting at least one web page from among a plurality of accessible web pages for voice browsing by a particular caller waiting in a hold queue; and

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offering said particular caller an incentive ~~for~~ to voice <u>browse</u> ~~browsing~~ said at least one web page, <u>wherein said incentive comprises a value redeemable in a transaction independent of said particular caller waiting in said hold queue.</u>

Applicants respectfully propose that Walker does not anticipate the invention of claim 1 because Walker does not teach expressly or inherently the elements of claim 1 or enable the elements of claim 1.

The Examiner rejected the second element of claim 1 "offering said particular caller an incentive for voice browsing said at least one web page" and the element of claim 3 as taught in Walker by "access to the entertainment options or web pages can be provided to the caller in a complimentary basis, thus the caller may voice browse the chosen web site as part of a complimentary service offered during his or her call to the call center." (See Description, Col. 4, lines 26-28). [Office Action, p. 2]

Col. 4, lines 26-28 of Walker read "according to a further feature of the invention, access to the entertainment options can be provided to a caller on a complimentary basis or for an additional payment." Thus, in the rejection, the Examiner equates the "incentive" of claim 1 with the "complimentary service" of Walker.

Applicants respectfully note, however, that the offer of a free service is not the equivalent of an "incentive" of the present invention. In particular, the specification of the present invention defines an incentive as a "hold queue position adjustment, membership points, cash values, or electronic coupons." Hold queue position adjustment, membership points, cash values, and electronic coupons inherently have a future redemption value; a complimentary service does not have a future redemption value, but is merely available for use during the current call by a caller waiting on hold. Thus, the present invention teaches the elements of offering the complimentary service plus offering a redeemable incentive for the user waiting on hold to use the complimentary service; Walker merely teaches offering the complimentary service, but does not teach offering a redeemable incentive for the user waiting on hold to use the complimentary service.

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While Applicants note that Walker does not teach the element of "offering an incentive", for purposes of clarification, applicants amend claim 1 to indicate that an incentive has a future redemption value for services independent of the services provided to the caller while waiting in the hold queue. In particular, the second element of claim 1 is amended to read "offering said particular caller an incentive ~~for~~ to voice browse ~~browsing~~ said at least one web page, wherein said incentive comprises a value redeemable in a transaction independent of said particular caller waiting in said hold queue." Thus, Applicants clarify that the incentive does not include an incentive to use voice browse while on hold for free, but the incentive holds a redeemable value.

Claims 12 and 23 are system and program claims corresponding to method claim 1 and amended in the same manner as claim 1. Thus, Applicants respectfully request allowance of claims 1, 12, and 23 in light of the amendments and the arguments. In addition, Applicants note that additional arguments made with respect to claims 4, 15, and 26 further distinguish amended claims 1, 12, and 23.

Claims 2-3, 13-14, and 24-25

Regarding claims 2-3, 13-14, and 24-25, Applicants respectfully proposes that because Walker no longer anticipates the independent claims 1, 12, and 23 upon which these dependent claims rely, then Walker does not anticipate these dependent claims and the dependent claims should be allowed.

35 USC § 103(a)

Claims 4, 6-8, 10-11, 15, 17-19, 21-22, 26-29, 50-54

Claims 4, 6-8, 10-11, 15, 17-19, 21-22, 26-29, and 50-54 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Walker et al. (US Patent Number 6,178,240). The Examiner carries the burden of proving a prima facie case of obviousness for a 103(a) rejection. Because the Examiner does not carry the burden of proving a prima facie case of obviousness for claims 4, 6-8, 10-11, 15, 17-19, 21-22, 26-29, and 50-54, the rejection should be withdrawn and the claims should be allowed. Further, as amended, claims 4, 6-8, 10-11, 15, 17-19, 21-22, 26-29,

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and 50-54 are not obvious in view of Walker and therefore the rejection should be withdrawn
and the claims allowed.

Claims 6, 17, 27, 50, and 52

Claim 50 currently reads as follows:

50.(Original) A method for controlling voice browsing, comprising:

receiving a call for a caller with an authenticated identity at a hold queue;

accessing a caller profile stored in association with said authenticated
identity, wherein said caller profile indicates at least one web page visited by said
caller; and

selecting at least one web page from among a plurality of accessible web
pages other than said at least one web page visited by said call for voice browsing
by a particular caller waiting in a hold queue.

In establishing a prima facie case of obviousness under 103(a), the combined prior art
references must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.3d 488, 20
USPQ2d 1438 (Fed Cir. 1991). The Examiner cites Walker et al.'s teaching of "a customer
account database that maintains a plurality of records, each associated with a different customer,
the customer account database includes the customer's address and telephone number" as
teaching the claim 50 element of "receiving a call for a caller with an authenticated identity at a
hold queue." [Office Action, p. 4] In particular, the Examiner bases Walker's teaching on col. 7,
line 66-col. 8 line 4 which reads: "The customer account database 300 maintains a plurality of
records, such as records 310-312, each associated with a different customer. For each customer
name listed in field 320, the customer account database 300 includes the customer's address in
field 325 and telephone number in field 330."

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Thus, the Examiner equates a telephone number with an authenticated identity of the caller. A telephone number, however, merely identifies the line number from which a call is placed and does not accurately identify the person placing the call using the telephone service associated with the line number. In contrast, authentication identifies the actual identity of the caller. The specification of the present invention further supports the distinction between a telephone number and an authenticated identity of a caller; p. 14, lines 20-27 of the specification describe an authentication service that includes identification and verification of the identity of a caller of a particular call. Thus, the Examiner does not specifically point out how Walker or any combination of Walker and another prior art reference teaches or suggests all the claimed limitations.

Therefore, because the Examiner does not prove a prima facie case of obviousness, Applicants respectfully request allowance of method claim 50 and corresponding system claim 52. In addition, claims 6, 17, and 27 are rejected for the same reasons as claim 50. Thus, Applicants respectfully request allowance of claims 6, 17, and 27 for the same reasons as allowance of claim 50.

Claims 10, 11, 21, 22, 51 and 53

Claims 10, 11, and 51 currently read as follows:

10.   (Original) The method for promoting voice browsing according to claim 1, wherein said at least one web page is provided to advertise a product to said particular caller.

11.   (Original) The method for promoting voice browsing according to claim 1, wherein said at least one page provided to advertise a product is received from a third party vendor.

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51.   (Original) The method for controlling voice browsing according to claim 50, further comprising:

offering said caller an incentive to browse at least one web page similar to said at least one web page visited by said caller but offered by an alternate vendor.

The Examiner cites the elements of claims 10, 11, and 51 as reading on the use of "cookies." [Office Action, p. 5] In addition, the Examiner states that "it is will known in the art that a 'cookie' may be used to help understand the users preferences while using a website and later provide them with advertisement based on such preferences." [Office Action, p. 5] Thus, the Examiner concludes that "this information could therefore be used at a later time to provide that user with a more content relevant site based on that users past interest. As per the offering an incentive limitation, this was previously discussed as disclosed by Walker et a."

First, the Examiner claims that cookies and the use of cookies to provide more product relevant advertising was considered to be common knowledge or well-known in the art at the time of the invention. Applicants, however, traverse the finding, by the Examiner, that at the time of filing, it was considered common knowledge or well-known in the art to use cookies to understand a user's preferences while using a website and then later provide the user with web page advertisements based on the preferences. The use of cookies is an emerging technology that does not even date back to the first main stream browsers. Further, cookies were initially used to merely track user identification information, not to serve as the basis for product relevant advertising. The use of cookies as a basis for information to specify advertising additionally requires a server to gather cookie information and made decisions, which was not well known in the art at the time of the invention. Because the Examiner has not provided documentary evidence of the well-known nature of use of cookies for providing more product relevant advertising at the time of the invention, Applicants request that if the rejection is to be maintained on these grounds that the Examiner provide documentary evidence of the basis of the

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assertion of what is well known in the art in the next Office action. 37 CFR 1.104(c)(2). See also Zurko, 258 F.3d at 1386, 59 USPQ2d at 1697 ("[T]he Board [or examiner] must point to some concrete evidence in the record in support of these findings" to satisfy the substantial evidence test.)

Second, in establishing a prima facie case of obviousness under 103(a), the combined prior art references must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991). The Examiner asserts that the use of cookie information would be used to provide the user with more content relevant sites based on the user's past interest. Claims 10 and 11, for example, however, do not teach providing the user with more content relevant sites based on the user's past interest. Claims 10 and 11 describe selecting a web page for an advertisement, and in particular an advertisement that may be received from a third party vendor. Further, claim 51 teaches actually selecting a web page that is similar to ones previously visited, but offered by a different vendor. The Examiner does not provide a prior art reference that would enable finding alternate vendor web pages based on previous preferences.

Third, in establishing a prima facie case of obviousness under 103(a), the prior art can be modified or combined to reject claims as prima face obvious as long as there is a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Whether an art is predictable or whether the proposed modification or combination of the prior art has a reasonable expectation of success is determined at the time the invention was made. *Ex parte Erlich*, 3 USPQ2d 1011 (Bd. Pat. App. & Inter. 1986). Cookies are merely text files stored on the computer system of a user of a web page and is read by a web browser at a computer system. The present invention provides voice browsing of web pages via the telephone. Any storage of user preferences are made on a centralized server based on a callers authenticated identity. On hold systems did not access data from a caller's physical telephone to then select web page advertisements for that caller. Thus, where claim 51 describes selecting a web page similar to one previously visited, but from an alternate vendor, Applicants respectfully assert that there was no reasonable expectation of success in combining cookies with the telephony system at the time the invention was made.

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Therefore, in view of the foregoing, Applicants respectfully assert that the Examiner has not proven prima facie obviousness for claims 10, 11, and 51 and request allowance of these claims. In addition, Applicants request allowance of the system claims 21 and 22 that correspond with method claims 10 and 11 and system claim 53 that corresponds to method claim 51.

Claims 7-8, 18-19, and 28-29

Regarding claims 7-8, 18-19, and 28-29, Applicants respectfully propose that because Walker no longer anticipates the independent claims 1, 12, and 23 upon which these dependent claims rely, then Walker does not anticipate these dependent claims and the dependent claims should be allowed. In addition, the Examiner rejects claims 7-8, 18-19, and 28-29 for the same reasons as claims 50 and 51. Applicants respectfully propose that the Examiner did not prove prima facie obviousness for claims 50 and 51 and therefore Applicants respect allowance of claims 7-8, 18-19, and 28-29 for the same reasons as requested for claims 50 and 51.

Claims 4, 15, and 26

Claim 4 currently reads as follows:

4. (Original) The method for promoting voice browsing according to claim 1, further comprising:

responsive to voice browsing of said at least one web page, providing said incentive for said particular caller for storage in a caller profile associated with said particular caller, wherein said particular caller is enabled to redeem said incentive from said caller profile in a future transaction.

The Examiner states that claims 4, 15, and 26 read on "a flag on the customer profile indicating the denial of complimentary paid entertainment options to fraudulent customers." [Office Action, p. 6] The Examiner concludes that "it would have been obvious to one of

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ordinary skill that returning preferred customers will be offered complimentary paid entertainment services (i.e. voice web browsing) on subsequent calls to the call center, their good standing is reflected on the caller profile (i.e. responsive to voice browsing of said at least one web page, providing said incentive for said particular caller for storage in a caller profile associated with said particular caller, wherein said particular caller is enabled to redeem said incentive from said caller profile in a future transaction.) (See Description, col. 10, lines 3-14)." [Office Action, p. 6] Col. 10, lines 3-14 of Walker read: "As previously indicated, the customer account database 300 includes a flag in field 340 indicating whether the respective customer should be provided with access to the paid entertainment options during any holding periods. In this manner, complimentary access can be limited to certain classes of customer and denied to customers who have previously made fraudulent usage of the complimentary paid entertainment options. If it is determined during step 822 that the caller should be denied complimentary access to the paid entertainment options, then program control proceeds to step 860 where the caller will be placed in the holding queue."

First, Applicants note that claim 1 has been amended to clarify that an incentive is one that "comprises a value redeemable in a transaction independent of said particular caller waiting in said hold queue." Thus, Applicants have amended claim 1 to clarify that the incentive has a value that is redeemable and to clarify that the incentive is hold queue independent.

Second, the references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination. *Hodosh v. Block Drug Co., Inc.*, 786 F.2d 1136, 1143 n.5, 229 USPQ 182, 187 n.5 (Fed. Cir. 1986). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). The Examiner cites that because there could be a flag on a customer profile indicating the denial of complimentary paid entertainment options to fraudulent customers, it would have been obvious to offer complimentary voice browsing on subsequent calls to the call center with the caller's good standing reflected on the caller profile. The present invention teaches selecting web pages for a caller and offering the caller an incentive to browse the

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selected pages, where the incentive is stored in a caller profile and redeemable at a future transaction. The Examiner does not point out how a voice browser with a caller profile, as taught by Walker, suggests the desireability of not offering complimentary voice browsing to fraudulent customers. Thus, Applicants respectfully propose that the Examiner does not show how Walker or the knowledge available in the art suggests the desireability of a combination of a voice browser where the caller can be offered free voice browsing based on whether the caller is a fraudulent caller.

Third, in establishing a prima facie case of obviousness under 103(a), the combined prior art references must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991). The Examiner shows how Walker teaches selecting the web pages, offering the caller complimentary voice browsing of selected pages, and maintaining a caller profile. The Examiner cites what would have been obvious to one with skill in the art as teaching deciding whether to offer complimentary voice browsing based on a fraudulent customer setting in the caller profile. The present invention includes the elements of selecting web pages for the caller, offering the caller an incentive to voice browse the selected web pages and storing the incentive in a caller profile for use in a future transaction if the caller chooses to voice browse the selected pages. Thus, the Examiner does not point out where the combined prior art references teach or suggest the limitation of offering an incentive to voice browse and providing the incentive in a storable form in exchange for the caller selecting to voice browse; offering complimentary voice browsing for not committing fraudulent acts is not the equivalent of offering an incentive with a future redeemable value in exchange for a caller selecting to voice browse.

Therefore, in view of the foregoing, Applicants respectfully assert that the Examiner has not proven prima facie obviousness for claim 4 and respectfully requests allowance of these claims. In addition, Applicants request allowance of the system 15 and program claim 26 that correspond with allowable claim 4.

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Claims 5 and 16

Claims 5 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Walker et al. (US Patent Number 6,178,240) in view of Walker et al. (WO 98/35507). First, Applicants respectfully request allowance of claims 5 and 16 as dependent claims of allowable independent claims 1 and 12. Second, however, the Examiner carries the burden of proving a prima facie case of obviousness for a 103(a) rejection. Because the Examiner does not carry the burden of proving a prima facie case of obviousness for claims 5 and 16, the rejection should be withdrawn and the claims should be allowed.

Claim 5 currently reads:

5.   (Original) The method for promoting voice browsing according to claim 1, wherein said incentive comprises at least one from among an on hold advancement token, membership points, an electronic discount, and a cash value.

The Examiner cites Walker et al ('240) as disclosing the system claimed, except for the element of "said incentive comprises at least one from among an on hold advancement token, membership points, an electronic discount, and a cash value." [Office Action, p 7] The Examiner cites Walker et al (WO) as teaching "a system that allows a caller to exercise control over their rank within a phone queue (See Summary, page 3, lines 33-35) and an IVRU is employed to offer a caller a chance to move in the queue in return for a payment or on hold advancement token (See Summary, page 3, lines 38-40)." [Office Action, p. 7] However, the Examiner states that "it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify Walker et al ('240) system, by allowing a caller to exercise control over their rank within a phone queue in return for a payment, as taught by Walker et al; and in this manner avoid the caller the frustration of an excessive long wait. [Office Action, p. 7]

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In establishing a prima facie case of obviousness under 103(a), the combined prior art references must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991). The Examiner suggests that Walker teaches the on hold advancement token because a caller can purchase advancement in a hold queue. In contrast, the incentive taught in the present invention is one that is offered to the caller in exchange for voice browsing a selected web page. Claim 5 specifically teach that where the incentive is an "on hold advancement token", the token is provided to the caller in exchange for voice browsing. Further, Applicants respectfully note that a purchased on hold advancement token is not relevant to the present invention because the incentive is offered in exchange for performing a particular activity – voice browsing. Therefore, because the Examiner does not point out, nor do the references teach or suggest an incentive as an on hold advancement token, the Examiner does not establish prima facie obviousness and Applicants respectfully request allowance of claim 5. In addition, Applicants respectfully request allowance of system claim 16 that corresponds to method claim 5.

Claims 9 and 20

Claims 9 and 20 stand rejected as method and system claims that are dependent on independent method and system claims 1 and 12. Applicants respectfully propose that the Examiner does not establish anticipation of claims 1 and 12, and therefore dependent claims 9 and 20 should not be rejected.

Claims 30-31, 34-36, 37-38, 41-43, 44-45, and 48-49

Claims 30-31, 34-36, 37-38, 41-43, 44-45, and 48-49 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Walker et al. (US Patent Number 6,178,240) in view of Saylor et al. (US 6.263,051). The Examiner carries the burden of proving a prima facie case of obviousness for a 103(a) rejection. Because the Examiner does not carry the burden of proving a prima facie case of obviousness for claims 30-31, 34-36, 37-38, 41-43, 44-45, and 48-49, the rejection should be withdrawn and the claims should be allowed.

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Claims 30, 31, 34, 37-38, 41, 44-45, and 48

Claim 30 currently reads:

30.   (Original) A method for specifying voice browsing, comprising:

receiving a call for a caller with an authenticated identity at a hold queue;

accessing a caller profile stored in association with said authenticated identity; and

specifying a voice XML script according to said caller profile, such that voice browsing while waiting in said hold queue is specified for said caller.

First, the Examiner cites Walker et al as disclosing "a customer account database that maintains a plurality of records, each associated with a different customer, the customer account database includes the customer's address and telephone number" as teaching "receiving a call for a caller with an authenticated identity at a hold queue" which reads on "having a customer's account database include a telephone number. (Description, col. 7, line 66-col. 8, line 4) [Office Action, p. 8]

In establishing a prima facie case of obviousness under 103(a), the combined prior art references must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991). As previously discussed with reference to claim 50, the Examiner equates a telephone number with an authenticated identity of the caller. A telephone number, however, merely identifies the line number from which a call is placed and does not accurately identify the person placing the call using the telephone service associated with the line number. In contrast, authentication identifies the actual identity of the caller. The specification of the present invention further supports the distinction between a telephone number and an authenticated identity of a caller; p. 14, lines 20-27 of the specification describe

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an authentication service that includes identification and verification of the identity of a caller of a particular call. Thus, the Examiner does not specifically point out how Walker or any combination of Walker and another prior art reference teaches or suggests the claimed limitation of "receiving a call for a caller with an authenticated identity at a hold queue."

Second, the Examiner cites Walker as lacking the limitation of "specifying a voice XML script according to said caller profile, such that voice browsing while waiting in said hold queue is specified by said caller." [Office Action, p. 8] The Examiner, however, cites Saylor as teaching that "XML language takes a Web page (Fig. 4, e-commerce applications) and transforms these pages into text (i.e. web scripts) that can be to a user (i.e. caller). A system based on XML mark up language may be controlled by the interaction of a caller with the voice menu for web browsing." [Office Action, p. 9] Thus, the Examiner concludes that "it would have been obvious to one of ordinary skill at the time the invention was made to modify Walker's system with the teaching of Saylor et al. and in this manner provide a system that will not require a company to maintain expensive telephony hardware and software and telephone lines."

In establishing a prima facie case of obviousness under 103(a), the combined prior art references must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991). Saylor teaches a system through which web pages can be accessed and translated into voice XML type output. Applicants note that Saylor does not teach specifying a voice XML script according to any criteria, but merely teaches accessing and translating a web page. In contrast, the present invention teaches not merely accessing voice XML scripts for a web page, but specifying the voice XML script according to a caller profile so that the script is specified for the caller. For example, page 32, lines 15-22 of the specification of the present invention teaches that "voice browser 46 may utilize the caller profile received for each caller to individually specify output of voice XML based web pages to callers. For example, the name of the caller is preferably included in a caller profile or VID. Where the voice XML 68 includes entries for the name of a caller or other personalized information, voice browser 46 preferably inserts a name according to a VID or caller profile associated with a

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VID." Thus, specifying an XML script is not limited to just translating a standard web script, but includes specifying the script according to the information in the caller profile.

In conclusion, the combination of Walker and Saylor does not teach at least two elements of the claimed invention. Therefore, in view of the foregoing, Applicants respectfully assert that the Examiner has not proven prima facie obviousness for claim 30 and respectfully requests allowance of this claims. In addition, Applicants request allowance of the corresponding claims rejected under the same grounds as claim 30: 31, 34, 37-38, 41, 44-45, and 48.

Claims 35, 36, 42, 43, and 49

Claims 35, 36, 42, 43, and 49 stand rejected as method, system, and program claims that are dependent on independent method, system, and program claims 30, 37, and 44. Applicants respectfully propose that the Examiner does not establish prima facie obviousness for claims 30, 37, and 44, and therefore dependent claims 35, 36, 42, 43, and 49 should not be rejected.

Claims 32, 39, and 46

Claims 32, 39, and 46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker et al. (US Patent Number 6,178,240) in view of Saylor et al. (US 6.263,051), as applied to claims 30-31, 34-36, 37-38, 41-43, 44-45, and 48-49, and further in view of Walker et al. (US 5,978,467). The Examiner carries the burden of proving a prima facie case of obviousness for a 103(a) rejection. Because the Examiner does not carry the burden of proving a prima facie case of obviousness for claims 32, 39, and 46, the rejection should be withdrawn and the claims should be allowed.

Claim 32 currently reads:

32. (Original) The method for specifying voice browsing according to claim 30, further comprising:

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authenticating said identity of said caller at a switching network

transferring said call to said hold queue.

The Examiner cites the combination of Walker et al and Saylor et al as teaching the system claimed except for "authenticating said identity of said caller at a switching network transferring said call to said hold queue." [Office Action, p. 11] The Examiner cites Walker ('467) as teaching that an incoming caller's telephone number can be detected by an automatic number identification (ANI) facility. [See Office Action, p. 11] The Examiner concludes that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Walker et al ('240) system by adding the step of detecting the incoming call by an automatic number identification (ANI) facility" as teaching "authenticating said identity of said caller at a switching network transferring said call to said hold queue" and further concludes that "in this manner allow the system to start a caller profile based on the caller's telephone number. [Office Action, p. 11-12]

In establishing a prima facie case of obviousness under 103(a), the combined prior art references must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991). As previously discussed with reference to claims 30 and 50, the Examiner equates a telephone number with an authenticated identity of the caller. A telephone number, however, merely identifies the line number from which a call is placed and does not accurately identify the person placing the call using the telephone service associated with the line number. In contrast, authentication identifies the actual identity of the caller. The specification of the present invention further supports the distinction between a telephone number and an authenticated identity of a caller; p. 14, lines 20-27 of the specification describe an authentication service that includes identification and verification of the identity of a caller of a particular call. Thus, the Examiner does not specifically point out how Walker or any combination of Walker and another prior art reference teaches or suggests the claimed limitation of "authenticating said identity of said caller."

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Claims 33, 40 and 47

Claims 33, 40 and 47 stand rejected as dependent method, system and program claims of method claim 30, system claim 37, and program product claim 44. Applicants respectfully propose that the Examiner does not establish prima facie obviousness for claims 30, 37, and 44, and therefore dependent claims 33, 40, and 47 should not be rejected.

Conclusion

Applicants note the citation of pertinent prior art cited by the Examiner.

In view of the foregoing, withdrawal of the rejections and the allowance of the current pending claims is respectfully requested. If the Examiner feels that the pending claims could be allowed with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment. Further, Applicants reiterate the request for a telephone conference with the Examiner at the Examiner's earliest convenience.

Respectfully submitted,

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